

**UNITED STATES DEPARTMENT OF COMMERCE****Unit d Stat s Patent and Trad mark Offic**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/609,110 06/30/00 JACOB

M 9003-269-(A-

000570 IM22/0801  
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA PA 19103

EXAMINER

DOUYON, L.

ART UNIT

PAPER NUMBER

1751

DATE MAILED:

08/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

09/609,110

Applicant(s)

JACOB ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

Continuation Sheet (PTO-326)

Application No.

Certified copies not received: DE 19904657

***Claim Rejections - 35 USC § 112***

1. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite in the recital of “material” in line 15 because it is not clear what it encompasses. It is suggested that this term be deleted. In addition, this claim recites the limitations “the dry portion” and “the spray medium” in line 18. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bauer et al. (US Patent No. 5,516,447), hereinafter "Bauer".

Bauer teaches a process for the production of a washing- and cleaning-active surfactant granules containing 60 to 70% by weight of surfactant and having an apparent density above 500 g/l, wherein a formulation containing a non-surface-active liquid component is introduced to a fluidized bed and granulated and, at the same time, totally or partially filled from the non-surface-active liquid compound, optionally with addition of an inorganic or organic solid, and wherein the granules are discharged from the fluidized bed via a grading step by a countercurrent air-stream which is adjusted so that only particles above a predetermined size are removed from the fluidized bed while smaller particles are retained therein (see abstract; col. 7, lines 1-9). In Example 1 Bauer teaches the preparation of dust-free non-tacky granules wherein the fluidizing air-flow rate is 5.1 m/s under operating conditions, the temperature of the air base plate is 100°C, the grading air is 20°C and the fluidizing air about 5 cm above the base plate is 81°C and the resulting product has a <1% by weight water content. Example 9 has a resulting product having 4.8% by weight water content (see Tables 1 and 2 under cols. 9-12). Even though Bauer does not explicitly disclose reducing a flow speed of the process air supplied from below to the fluidizing space in an expansion zone located above the fluidizing space, it would be inherent for the flow speed of the fluidizing air to be reduced at the expansion zone above the fluidizing space because the air fluidizes the solid and liquid components such that said process would have reduced the initial flow speed of the air from below to the zone above the fluidizing space. Hence, Bauer anticipates the claims.

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5. The prior art made of record and not relied upon is pertinent to applicants' disclosure.

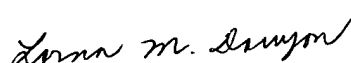
These references are cumulative to or less material than those discussed above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305 3773.

The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308 4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 7718 for regular communications and (703) 305 3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0661.



Lorna M. Douyon  
Primary Examiner  
Art Unit 1751

LMD  
July 29, 2001